



Loudoun County, Virginia

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Office of the County Administrator

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At a business meeting of the Board of Supervisors of Loudoun County, Virginia, held in the County Government Center, Board of Supervisors' Meeting Room, 1 Harrison St., S.E., Leesburg, Virginia, on Wednesday, July 16, 2014 at 4:00 p.m.

IN RE: ZOAM 2014-0003/RESOLUTION OF INTENT TO AMEND THE REVISED
1993 LOUDOUN COUNTY ZONING ORDINANCE, LIMITED BREWERY
AND AGRICULTURAL PROCESSING (COUNTYWIDE)

Mr. York moved that the Board of Supervisors adopt the Resolution of Intent to Amend the Revised 1993 Loudoun County Zoning Ordinance, provided as Attachment 1 to the Action Item for the Board of Supervisors July 16, 2014, Board of Supervisors' Business Meeting, to implement ZOAM 2014-0003.

Seconded by Mr. Williams.

Mr. Higgins moved a substitute motion that the Board of Supervisors forward this item to the July 18, 2014 Transportation and Land Use Committee.

Seconded by Mrs. Clarke.

Voting on Mr. Higgins' FAILED Motion: Supervisor Higgins – Yes; Supervisors Buona, Clarke, Delgaudio, Letourneau, Reid, Volpe, Williams and York – No.

Voting on Mr. York's Original Motion: Supervisors Buona, Clarke, Delgaudio, Higgins, Letourneau, Reid, Volpe, Williams and York – Yes; None – No.


DEPUTY CLERK FOR THE LOUDOUN
COUNTY BOARD OF SUPERVISORS

(12-ZOAM 2014-0003/RESOLUTION OF INTENT TO AMEND THE REVISED 1993 LOUDOUN COUNTY ZONING ORDINANCE, LIMITED BREWERY AND AGRICULTURAL PROCESSING)

JULY 16, 2014

BOARD OF SUPERVISORS OF LOUDOUN COUNTY

**RESOLUTION OF INTENT TO AMEND THE REVISED 1993
LOUDOUN COUNTY ZONING ORDINANCE TO ESTABLISH
REGULATIONS IN REGARD TO LIMITED BREWERIES AND
REVISE REGULATIONS IN REGARD TO AGRICULTURE
AND AGRICULTURAL PROCESSING**

WHEREAS, the Board of Supervisors wishes to initiate amendments to the Revised 1993 Loudoun County Zoning Ordinance (the "Zoning Ordinance") in furtherance of the purposes of zoning as set out in §15.2-2283 of the Code of Virginia and to further implement the comprehensive plan; and

WHEREAS, the Board of Supervisors adopted a Work Plan on February 14, 2012, to review the Zoning Ordinance to develop Zoning Ordinance Amendment(s) (ZOAM) for the purpose of advancing commercial development throughout the County and encouraging a more business-friendly environment; and

WHEREAS, the Board of Supervisors provided additional direction for and prioritization of such ZOAMs on June 19, 2012, November 7, 2012, January 2, 2013, September 4, 2013, October 16, 2013, and June 4, 2014; and

WHEREAS, recent amendments to the Code of Virginia established new Sections 4.1-208.2 and 15.2-2288.3:1, in regard to Limited Breweries, and new Section 15.2-2288.6, in regard to Agricultural operations; and

WHEREAS, the Board of Supervisors wishes to initiate amendments to Articles 2, 5, 6, and 8 of the Zoning Ordinance to establish the new use "Limited Brewery" and appropriate regulations in regard to Limited Brewery, in conformance with the Code of Virginia, revise existing regulations in regard to the uses "Agricultural Processing" and "Agriculture" so that such regulations are in conformance with the Code of Virginia, and to further commercial and industrial development in the County.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors states its intention to amend the Revised 1993 Loudoun County Zoning Ordinance as follows:

1. Establish "Limited Brewery" as a new use, subject to appropriate Additional Regulations, and add this use as a Permitted, Minor Special Exception, or Special Exception use, which may be subject to such Additional Regulations, in the Agricultural Rural-1 (AR-1), Agricultural Rural-2 (AR-2), Agriculture (A-10), and Agricultural Residential (A-3) zoning districts; and
2. Amend Section 5-600 et seq., Additional Regulations for Specific Uses, to establish new Additional Regulations for the new use "Limited Brewery"; and

ATTACHMENT 1

A-1

A-2

3. Add, reclassify, or delete "Agricultural Processing" and Agriculture, Horticulture, or Animal Husbandry as a Permitted, Minor Special Exception, or Special Exception use, which may be subject to such Additional Regulations, in the Article 2, 3, and 4 zoning districts.
4. Amend Section 5-600 et seq., Additional Regulations for Specific Uses, to revise existing Additional Regulations for the use "Agricultural Processing"; and
5. Amend Section 6-700 et seq., Site Plan Review, to require a Sketch Plan as part of a zoning permit application for the use "Limited Brewery"; and
6. Amend Article 8, Definitions, to establish a definition for the new use "Limited Brewery"; and
7. Amend Article 8, Definitions, to revise the existing definitions "Agricultural Processing" and "Agriculture" to include without limitations adding certain manufacturing uses; and
8. Amend such other sections of the Zoning Ordinance as may be necessary to fully implement and maintain consistency with the foregoing amendments, to correct typographical errors and update references, and to achieve the full intent of this Resolution; and

BE IT FURTHER RESOLVED, that (1) these amendments are in furtherance of the public necessity, convenience, general welfare, and good zoning practice; (2) Staff is directed to prepare draft amendments for consideration; and (3) the proposed amendments on these matters be brought forward for notice, hearing, Planning Commission recommendation, and Board of Supervisors' action.

**PLANNING COMMISSION PUBLIC HEARING
ZOAM 2014-0003 DRAFT TEXT
LIMITED BREWERY AND AGRICULTURAL PROCESSING
SEPTEMBER 16, 2014**

**ARTICLE 1
NON-SUBURBAN DISTRICT REGULATIONS**

DIVISION A: RURAL DISTRICTS

Section 2-100 AR-1 Agricultural Rural-1

2-101 Purpose and Intent. The purpose and intent of the AR-1 district is to:

- (A) Support the use of land for rural economy uses, with residential uses allowed at densities consistent with the general open and rural character of the rural economy uses.
- (B) Allow for a broad range of rural economy uses, including (agriculture, horticulture and animal husbandry), agriculture support and services associated with on-going agricultural activities, and other uses that can be developed in ways consistent with the rural character of the AR-1 district through mitigation or other standards.
- (C) Recognize the County's tourism industry is interconnected with the rural economy and rural economy uses in the district by allowing for tourism uses related to agricultural uses, conference and training center uses, and rural activity and special event uses.
- (D) Promote consistency between residential development and rural economy uses through lower density residential development or clustering of residential development.
- (E) Ensure that the rural economy uses are compatible with any existing permitted residential development.

2-102 Use Regulations. Table 2-102 summarizes the principal use regulations of the AR-1 district.

- (A) **Organization of Use Table.** Table 2-102 organizes the uses in the AR-1 district by Use Classifications, Use Categories and Use Types.
 - (1) **Use Classifications.** The Use Classifications are: agricultural uses; residential uses; public and institutional uses; commercial uses; and industrial uses. The Use Classifications provide a systematic basis for assigning present and future land uses into broad general classifications (e.g., agricultural uses and residential uses). The Use Classifications then organize land uses and

activities into general “Use Categories” and specific “Use Types” based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions.

- (2) **Use Categories.** The Use Categories describe the major sub-groups of the Use Classification, based on common characteristics (e.g., the residential Use Classification is divided into two major Use Categories: Household Living and Group Living). Principal uses are identified in defining the Use Category. They are principal uses that most closely share the common characteristics that are key to the Use Category.
 - (3) **Use Types.** The Use Categories are then divided into specific Use Types. The specific Use Types are included in the respective Use Category. They identify the specific uses that are considered to fall within characteristics identified in the Use Category. For example, single family detached dwellings, multi-family dwellings and town houses are Use Types in the Household Living Use Category.
- (B) **Use Categories and Use Types Defined.** All the Use Categories and Use Types listed in Table 2-102 are defined in Article VIII (Definitions).
 - (C) **Permitted and Special Exception Uses.** A “P” in the column identified “AR-1” indicates that a Use Category or specific Use Type is permitted as a matter of right (as a permitted use) in the AR-1 district, subject to compliance with all applicable standards and regulations in this Ordinance and all other County ordinances. An “S” indicates that a Use Type is allowed in the AR-1 district as a special exception in accordance with the procedures and standards of Section 6-1300. An “M” indicates that a Use Type is allowed in the AR-1 district as a Minor Special Exception in accordance with the procedures and standards of Section 6-1300. In some instances, and based on the Additional Regulations for Specific Uses (Section 5-600), a Use Type will be permitted as a matter of right under certain conditions or allowed as a Special Exception or Minor Special Exception under other conditions. In those instances, it is identified as “P/S” or “P/M,” as appropriate.
 - (D) **Reference to General Use Category.** References to “General Use Category” under the Use Type column, means all of the uses in the Use Category are allowed. The Use Category is defined in Article

VIII. Where specific Use Types are listed in the Use Type column, only the listed Use Types in the Use Category are allowed. The Use Types are defined in Article VIII.

- (E) **Additional Regulations for Specific Uses.** References to sections in the final column of Table 2-102 (AR-1 District Use Table) indicate that the listed use is subject to use-specific regulations. The numbers provide a cross-reference to the “Additional Regulations for Specific Uses” in Section 5-600.
- (F) **Minimum Lot Size Requirements.** Each principal permitted use shall meet the minimum acreage requirement, where specified in the “Additional Regulations for Specific Uses” in Section 5-600, for that use. Where two or more principal uses are located on one parcel, the parcel size shall be the larger of the two or more uses requirements, and not the sum of all the minimum lot sizes.

TABLE 2-102: AR-1 AGRICULTURAL RURAL-1 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
AGRICULTURAL USES			
Agriculture	General Use Category	P	Section 5-626
Horticulture	General Use Category	P	Section 5-626
Animal Husbandry	General Use Category	P	Section 5-626
Agriculture Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On-Site	Agricultural processing	P	Section 5-627
	Agri-education	P	Section 5-627
	Animal care business	P	Section 5-627
	Agritainment	P	Section 5-627
	Commercial winery with 20,000 square feet or less	P	Section 5-625
	Commercial winery, over 20,000 square feet	S	Section 5-625
	Custom operators	P	Section 5-627

TABLE 2-102:
AR-1 AGRICULTURAL RURAL-1 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION

USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Direct market business for sale of products produced on-site – including but not limited to PYO (pick-your-own)	P	Section 5-627
	Equestrian facilities	P	Section 5-627
	Farm based tourism	P	Section 5-628
	Farm co-ops	P	Section 5-627
	Farm machinery repair	P	Section 5-627
	Farm markets	P	Section 5-603
	Feedlot (for on-going, on-site animal husbandry activities)	P	Section 5-627
	<u>Limited Brewery</u>	<u>P</u>	<u>Section 5-667</u>
	Nursery, commercial	S	Section 5-605
	Nursery, production	P	Section 5-605
	Pet farms	P	Section 5-627
	Restaurant	P	Section 5-627
	Sawmill	S	Section 5-629
	Stables	P	Section 5-627
	Veterinary services	P	
	Virginia Farm Winery	P	
	Wayside stand	P	Section 5-604
	Wetlands mitigation bank	P	Section 5-627
Agriculture Support and Services <u>Not Directly</u> Associated	Agricultural research facility	P	Section 5-644
	Animal care businesses	P	Section 5-630

TABLE 2-102:
AR-1 AGRICULTURAL RURAL-1 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION

USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
with On-Site Agricultural Activity	Central farm distribution hub for agricultural products	P	Section 5-630
	Commercial winery with 20,000 square feet or less	P	Section 5-625
	Commercial winery, over 20,000 square feet	S	Section 5-625
	Equestrian facility	P	Section 5-630
	Equestrian facility, on lots of less than 50 acres or without frontage on state maintained road	M	Section 5-630
	Farm machinery repair	P	Section 5-630
	Farm machinery sales, rental and service	P	Section 5-615
	Mill feed and farm supply center	P	Section 5-630
	Nursery, commercial	S	Section 5-605
	Stable, neighborhood, on lots of 25 acres or more, or frontage on state maintained road	P	Section 5-630
	Stable, neighborhood, on lots of less than 25 acres or without frontage on state maintained road	M	Section 5-630
	Stable, private	P	Section 5-630
Animal Services	Animal hospital	P	Section 5-631
	Kennel	S	Section 5-606
	Kennel, Indoor	M	Section 5-606
RESIDENTIAL USES			
Household Living	Accessory dwelling (accessory to single family detached dwelling)	P	Section 5-613
	Dwelling, single-family detached, including manufactured housing	P	May divide property in accordance with Section 2-103 Development Options.

TABLE 2-102: AR-1 AGRICULTURAL RURAL-1 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Home occupation (accessory to single family detached dwelling)	P	Section 5-400
	Portable Dwelling/Trailer Construction	P	
Group Living	Co-housing	P	
	Convent or monastery	P/S	Section 5-656
	Dormitory, seasonal labor	M	Section 5-632
	Rooming house	P	
PUBLIC AND INSTITUTIONAL USES			
Aviation	Airport/landing strip	S	Section 5-633
Day Care Facilities	Child care home	P	Section 5-609(A)
	Child or adult day care center	S	Section 5-609(B)
Cultural and Government Facilities	Agricultural cultural center	S	Section 5-634
	Fairground	S	Section 5-635
	Structures or uses for local government purposes not otherwise listed in the district	S	
Education	School (elementary, middle, or high)	S	
	Vocational school	S	
Park and Open Space	Arboretum	P	Section 5-636
	Botanical garden or nature study area	P	Section 5-636
	Cemetery	S	Section 5-637
	Mausoleum	S	Section 5-637
	Crematorium	S	Section 5-637

TABLE 2-102:
AR-1 AGRICULTURAL RURAL-1 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION

USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Community, neighborhood, or regional park, passive recreational uses	P	
	Community, neighborhood, or regional park, active recreational uses	S	
Public Safety	Fire and/or rescue station	P	Section 5-638
	Police station or substation	P	Section 5-638
Religious Assembly	Church, synagogue, temple or mosque, with seating capacity of 300 or less seats in sanctuary or main activity area	P	Section 5-639
	Church, synagogue, temple or mosque, with seating capacity of more than 300 in sanctuary or main activity area, or accessory schools, day care centers with more than 30 <u>50</u> children, recreational facilities	S	Section 5-639
Utility	General Use Category	P	Recycling drop-off collection center, public: Section 5-607 Utility substation, transmission: Section 5-616(A) Utility substation, distribution: Section 5-616(B)
	Municipal drinking water supply reservoir	P	
	Sewage Treatment Plant	S	Section 5-621
	Sewer Pumping Station	P	Section 5-621
	Water Storage Tank	S	Section 5-621
	Water Treatment Plant	S	Section 5-621
	Water Pumping Station	P	Section 5-621

TABLE 2-102: AR-1 AGRICULTURAL RURAL-1 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Utility transmission lines, overhead (excluding connections of lines from existing overhead public utility transmission lines to individual uses)	S	Unless excepted by Section 1-103(D)
COMMERCIAL USES			
Conference and Training Centers	Conference and training centers	P/M	Section 5-640
	Rural agricultural corporate retreat	P	Section 5-619
	Rural Resort	M	Section 5-601(C)
	Rural Retreat	M	Section 5-601(C)
Food and Beverage	Teahouse; coffeehouse	P	Section 5-641
	Banquet/Event Facility	M	Section 5-642
	Restaurant	M	Section 5-643
Office	Educational or research facilities use related to the agriculture, horticulture and animal husbandry uses in the district	M	Section 5-644
Recreation and Entertainment	Camp, day and boarding, with 30 or fewer campers	P	Section 5-645
	Camp, day and boarding, with more than 30 campers	M	Section 5-645
	Campground	M	Section 5-646
	Country Club	S	Section 5-660
	Cross country ski business	P	Section 5-647
	Eco-tourism	P	Section 5-647
	Golf course	S	Section 5-648
	Outdoor amphitheater	S	Section 5-649

TABLE 2-102: AR-1 AGRICULTURAL RURAL-1 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Private Club or Lodge	S	
	Rural recreational establishment, outdoor	P	
Retail Sales and Service	Antique shop	P	Section 5-650
	Art gallery or art studio	P	Section 5-650
	Auction house	S	Section 5-651
	Craft shop	P	Section 5-650
	Small business	P/M	Section 5-614
Visitor Accommodation	Bed and Breakfast Homestay	P	Section 5-601(A)
	Bed and Breakfast Inn	P	Section 5-601(B)
	Country Inn	P	Section 5-601(C)
	Country Inn with Restaurant with an occupancy of no more than 100	P	Section 5-601(C)
	Country Inn with Restaurant with an occupancy of more than 100	M	Section 5-601(C)
	Guest farm or ranch leasing up to 20 guest rooms	P	
INDUSTRIAL USES			
Telecommunication Use and/or Structure	Radio and/or television tower	S	Section 5-618
	Telecommunications antenna	P	Section 5-618(A)
	Telecommunications monopole	P	Section 5-618(B)(1)
	Telecommunications monopole	S	Section 5-618(B)(2)
	Telecommunications transmission tower	S	Section 5-618(C)(2)

TABLE 2-102: AR-1 AGRICULTURAL RURAL-1 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
Waste-Related Uses	Vegetative Waste Management facility	M	(Grant of a special exception does not avoid requirements of Chapter 1080,Codified Ordinances of Loudoun County, or any other applicable law.)
	Yard Waste Composting Facility	S	(Grant of a special exception does not avoid requirements of Chapter 1080,Codified Ordinances of Loudoun County, or any other applicable law.)
	Stockpiling of dirt	S	Section 5-657

Section 2-200

AR-2 Agricultural Rural-2

2-201

Purpose and Intent. The purpose and intent of the AR-2 district is to:

- (A) Support the use of land for rural economy uses consistent with the pattern of rural and agricultural land uses in the district, including sustaining and nurturing the economically significant equine industry.
- (B) Allow residential uses at densities consistent with the general open and rural character of the rural economy uses, and consistent with the land use patterns in the district, which are marked by low density and large parcels relative to the other portions of the County.
- (C) Allow for a broad range of rural economy uses, including traditional and new agricultural uses (agriculture, horticulture and animal husbandry), agriculture support and basic services directly associated with on-going agricultural activities, and other uses that can be developed in ways that are consistent with the rural character of the AR-2 District through mitigation or other standards.
- (D) Recognize the County's tourism industry is interconnected with the rural economy and rural economy uses in the district by allowing for tourism uses related to agricultural uses, conference and training center uses, and rural activity and special event uses for tourists.
- (E) Promote consistency between residential development and rural economy uses through lower density residential development or the clustering of residential development.
- (F) Ensure that the rural economy uses are compatible with any existing permitted residential development.

Use Regulations. Table 2-202 summarizes the principal use regulations of the AR-2 district.

- (A) **Organization of Use Table.** Table 2-202 organizes the uses in the AR-2 district by Use Classifications, Use Categories and Use Types.
 - (1) **Use Classifications.** The Use Classifications are: agricultural uses; residential uses; public and institutional uses; commercial uses; and industrial uses. The Use Classifications provide a systematic basis for assigning present and future land uses into broad general classifications (e.g., agricultural uses and residential uses). The Use Classifications then organize land uses and activities into general “Use Categories” and specific “Use Types” based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions.
 - (2) **Use Categories.** The Use Categories describe the major sub-groups of the Use Classification, based on common characteristics (e.g., the residential Use Classification is divided into two major Use Categories: Household Living and Group Living). Principal uses are identified in defining the Use Category. They are principal uses that most closely share the common characteristics that are key to the Use Category.
 - (3) **Use Types.** The Use Categories are then divided into specific Use Types. The specific Use Types are included in the respective Use Category. They identify the specific uses that are considered to fall within characteristics identified in the Use Category. For example, single family detached dwellings, multi-family dwellings and town houses are Use Types in the Household Living Use Category.
- (B) **Use Categories and Use Types Defined.** All the Use Categories and Use Types listed in Table 2-202 are defined in Article VIII (Definitions).
- (C) **Permitted and Special Exception Uses.** A “P” in the column identified “AR-2” indicates that a Use Category or specific Use Type is permitted as a matter of right (as a permitted use) in the AR-2 district, subject to compliance with all applicable standards and regulations in this Ordinance and all other County ordinances. An “S” indicates that a Use Type is allowed in the AR-2 district as a

special exception in accordance with the procedures and standards of Section 6-1300. An “M” indicates that a Use Type is allowed in the AR-2 district as a Minor Special Exception in accordance with the procedures and standards of Section 6-1300. In some instances, and based on the Additional Regulations for Specific Uses (Section 5-600), a Use Type will be permitted as a matter of right under certain conditions or allowed as a Special Exception or Minor Special Exception under other conditions. In those instances, it is identified as “P/S” or “P/M,” as appropriate.

- (D) **Reference to General Use Category.** References to “General Use Category” under the Use Type column mean all of the uses in the Use Category are allowed. The Use Category is defined in Article VIII. Where specific Use Types are listed in the Use Type column, only the listed Use Types in the Use Category are allowed. The Use Types are defined in Article VIII.
- (E) **Additional Regulations for Specific Uses.** References to sections in the final column of Table 2-202 (Additional Regulations for Specific Uses) indicate that the listed use is subject to use-specific regulations. The numbers provide a cross-reference to the “Additional Regulations for Specific Uses” in Section 5-600.
- (F) **Minimum Lot Size Requirements.** Each principal permitted use shall meet the minimum acreage requirement, where specified in the “Additional Regulations for Specific Uses” in Section 5-600, for that use. Where two or more principal uses are located on one parcel, the parcel size shall be the larger of the two or more uses requirements, and not the sum of all minimum lot sizes.

TABLE 2-202: AR-2 AGRICULTURAL RURAL-2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	AR-2 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
AGRICULTURAL USES			
Agriculture	General Use Category	P	Section 5-626
Horticulture	General Use Category	P	Section 5-626

TABLE 2-202:
AR-2 AGRICULTURAL RURAL-2 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION

USE CATEGORY	USE TYPE	AR-2 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
Animal Husbandry	General Use Category	P	Section 5-626
Agriculture Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On-Site	Agricultural processing	P	Section 5-627
	Agri-education	P	Section 5-627
	Animal care business	P	Section 5-627
	Agritainment	P	Section 5-627
	Commercial winery with 20,000 square feet or less	P	Section 5-625
	Commercial winery, over 20,000 square feet	S	Section 5-625
	Custom operators	P	Section 5-627
	Direct market business for sale of products produced on-site - including but not limited to PYO (pick-your-own)	P	Section 5-627
	Equestrian facilities	P	Section 5-627
	Farm based tourism	P	Section 5-628
	Farm co-ops	P	Section 5-627
	Farm machinery repair	P	Section 5-627
	Farm markets	P	Section 5-603
	Feedlot (for on-going, on-site animal husbandry activities)	P	Section 5-627
	<u>Limited Brewery</u>	<u>P</u>	<u>Section 5-667</u>
	Nursery, commercial	S	Section 5-605
	Nursery, production	P	Section 5-605
	Pet farms	P	Section 5-627

TABLE 2-202:
AR-2 AGRICULTURAL RURAL-2 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION

USE CATEGORY	USE TYPE	AR-2 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Restaurant	P	Section 5-627
	Sawmill	S	Section 5-629
	Stables	P	Section 5-627
	Veterinary services	P	
	Virginia Farm Winery	P	
	Wayside stand	P	Section 5-604
	Wetlands mitigation bank	P	Section 5-627
Agriculture Support and Services <u>Not Directly</u> Associated with On-Site Agricultural Activity	Agricultural research facility	P	Section 5-644
	Animal care businesses	P	Section 5-630
	Central farm distribution hub for agricultural products	P	Section 5-630
	Commercial winery, with 20,000 square feet or less	P	Section 5-625
	Commercial winery, over 20,000 square feet	S	Section 5-625
	Equestrian facility	P	Section 5-630
	Equestrian facility, on lots of less than 50 acres or without frontage on state maintained road	M	Section 5-630
	Farm machinery repair	P	Section 5-630
	Farm machinery sales, rental and service	P	Section 5-615
	Mill feed and farm supply center	P	Section 5-630
	Nursery, commercial	S	Section 5-605

TABLE 2-202:
AR-2 AGRICULTURAL RURAL-2 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION

USE CATEGORY	USE TYPE	AR-2 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Stable, neighborhood, on lots of 25 acres or more, or frontage on state maintained road	P	Section 5-630
	Stable, neighborhood, on lots of less than 25 acres or without frontage on state maintained road	M	Section 5-630
	Stable, private	P	Section 5-630
Animal Services	Animal hospital	P	Section 5-631
	Kennel	S	Section 5-606
	Kennel, Indoor	M	Section 5-606
Household Living	Accessory dwelling (accessory to single family detached dwelling)	P	Section 5-613
	Dwelling, single-family detached, including manufactured housing	P	May subdivide property in accordance with Section 2-203 Development Options.
	Home occupation (accessory to single family detached dwelling)	P	Section 5-400
	Portable Dwelling/Trailer Construction	P	
Group Living	Co-housing	P	
	Convent or monastery	P/S	Section 5-656
	Dormitory, seasonal labor	M	Section 5-632
	Rooming house	P	
PUBLIC AND INSTITUTIONAL USES			
Aviation	Airport/landing strip	S	Section 5-633
Day Care Facilities	Child care home	P	Section 5-609(A)

TABLE 2-202:
AR-2 AGRICULTURAL RURAL-2 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION

USE CATEGORY	USE TYPE	AR-2 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Child or adult day care center	S	Section 5-609(B)
Cultural and Government Facilities	Agricultural cultural center	S	Section 5-634
	Fairground	S	Section 5-635
	Structures or uses for local government purposes not otherwise listed	S	
Education	School (elementary, middle, or high)	S	
	Vocational school	S	
Park and Open Space	Arboretum	P	Section 5-636
	Botanical garden or nature study area	P	Section 5-636
	Cemetery	S	Section 5-637
	Mausoleum	S	Section 5-637
	Crematorium	S	Section 5-637
	Community, neighborhood, or regional park, passive recreational uses	P	
	Community, neighborhood, or regional park, active recreational uses	S	
Public Safety	Fire and/or rescue station	P	Section 5-638
	Police station or substation	P	Section 5-638
Religious Assembly	Church, synagogue, temple or mosque, with seating capacity of 300 or less seats in sanctuary or main activity area	P	Section 5-639

TABLE 2-202:
AR-2 AGRICULTURAL RURAL-2 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION

USE CATEGORY	USE TYPE	AR-2 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Church, synagogue, temple or mosque, with seating capacity of more than 300 in sanctuary or main activity area, or accessory schools, day care centers with more than 50 children, recreational facilities	S	Section 5-639
Utility	General Use Category	P	Recycling drop-off collection center, public: Section 5-607 Utility substation, transmission: Section 5-616(A) Utility substation, distribution: Section 5-616(B)
	Municipal drinking water supply reservoir	P	
	Sewage Treatment Plant	S	Section 5-621
	Sewer Pumping Station	P	Section 5-621
	Water Storage Tank	S	Section 5-621
	Water Treatment Plant	S	Section 5-621
	Water Pumping Station	P	Section 5-621
	Utility transmission lines, overhead (excluding connections of lines from public utility transmission lines to individual development sites)	S	Unless excepted by Section 1-103(D)
COMMERCIAL USES			
Conference and Training Centers	Conference and training centers	M	Section 5-640
	Rural agricultural corporate retreat	P	Section 5-619
	Rural Resort	M	Section 5-601(C)
	Rural Retreat	M	Section 5-601(C)

TABLE 2-202:
AR-2 AGRICULTURAL RURAL-2 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION

USE CATEGORY	USE TYPE	AR-2 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
Food and Beverage	Teahouse; coffeehouse	P	Section 5-641
	Banquet/Event Facility	M	Section 5-642
	Restaurant	M	Section 5-643
Office	Educational or research facilities use related to the agriculture, horticulture and animal husbandry uses in the district	M	Section 5-644
Recreation and Entertainment	Camp, day and boarding, with 30 or fewer campers	P	Section 5-645
	Camp, day and boarding, with more than 30 campers	M	Section 5-645
	Campground	M	Section 5-646
	Country Club	S	Section 5-660
	Cross country ski business	P	Section 5-647
	Eco-tourism	P	Section 5-647
	Golf course	S	Section 5-648
	Outdoor amphitheater	S	Section 5-649
	Private Club or Lodge	S	
	Rural recreational establishment, outdoor	P	
Retail Sales and Service	Antique shop	P	Section 5-650
	Art gallery or art studio	P	Section 5-650
	Auction house	S	Section 5-651
	Craft shop	S	Section 5-650
	Small business	P/M	Section 5-614

TABLE 2-202:
AR-2 AGRICULTURAL RURAL-2 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION

USE CATEGORY	USE TYPE	AR-2 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
Visitor Accommodation	Bed and Breakfast Homestay	P	Section 5-601(A)
	Bed and Breakfast Inn	P	Section 5-601(B)
	Country Inn	P	Section 5-601(C)
	Country Inn with Restaurant with an occupancy of no more than 100	P	Section 5-601(C)
	Country Inn with Restaurant with an occupancy of more than 100	M	Section 5-601(C)
	Guest farm or ranch leasing up to 20 guest rooms	P	
INDUSTRIAL USES			
Telecommunication Use and/or Structure	Radio and/or television tower	S	Section 5-618
	Telecommunications antenna	P	Section 5-618(A)
	Telecommunications monopole	P	Section 5-618(B)(1)
	Telecommunications monopole	S	Section 5-618(B)(2)
	Telecommunications transmission tower	S	Section 5-618(C)(2)
Waste-Related Uses	Vegetative waste management facility	S	(Grant of a special exception does not avoid requirements of Chapter 1080, Codified Ordinances of Loudoun County, or any other applicable law.)
	Yard waste composting facility	S	(Grant of a special exception does not avoid requirements of Chapter 1080, Codified Ordinances of Loudoun County, or any other applicable law.)
	Stockpiling of dirt	S	Section 5-657

Section 2-300

A-10 Agriculture

2-301

Purpose. This district is established to protect rural areas of the county in which agriculture, farm operations, and low density residential development on parcels in excess of ten (10) acres have become the established land use pattern, and to provide an environment which encourages residents to continue to live and practice agricultural operations without adverse impacts arising from new, higher density development. The district permits uses compatible with and supportive of agriculture, including agriculturally related and home based businesses appropriate to a rural and farm setting. The district also permits direct marketing of farm products and services in conjunction with farm operations. The rezoning of land to A-10 in other areas of the County shall not be permitted.

2-302

Permitted Uses. The following uses are permitted in this district:

- (A) Agriculture, horticulture, forestry, and fishery, pursuant to Section 5-626.
- (B) Accessory apartment or dwelling unit, pursuant to Section 5-613.
- (C) Bed and Breakfast Homestay, pursuant to Section 5-601(A).
- (D) Child care home, pursuant to Section 5-609(A).
- (E) Cluster development, pursuant to Section 2-305.
- (F) Equestrian facility, on lots of fifty (50) acres or more, with frontage on a state maintained road.
- (G) Farm machinery sales and service, pursuant to Section 5-615.
- (H) Guest farm or ranch, leasing no more than three (3) guest rooms.
- (I) Guest house, pursuant to Section 5-612.
- (J) Rural hamlet, pursuant to Section 5-702.
- (K) Home occupation, pursuant to Section 5-400.
- (L) Nature preserve, such as but not limited to, wildlife sanctuary, conservation area, and game preserve.
- (M) Nursery, production, with frontage on a state maintained road, pursuant to Section 5-605.
- (N) Public or private playground or neighborhood park.

- (O) Recycling drop-off collection center, small, pursuant to Section 5-607.
- (P) Dwelling, single family, detached, including manufactured housing.
- (Q) Small business, pursuant to Section 5-614.
- (R) Stable, neighborhood, on lots of twenty five (25) acres or more, with frontage on a state maintained road.
- (S) Stable, private.
- (T) Tenant dwelling, pursuant to Section 5-602(A) & (C).
- (U) Wayside stand pursuant to Section 5-604.
- (V) Utility substation, dedicated.
- (W) Veterinary service.
- (X) Bus shelter.
- (Y) Commuter parking lot, with less than 50 spaces.
- (Z) Sewer pumping station.
- (AA) Mill, feed and farm supply center.
- (BB) Water pumping station.
- (CC) Rural agricultural corporate retreat, pursuant to Section 5-619.
- (DD) Pet Farm.
- (EE) Telecommunications antenna, pursuant to Section 5-618(A).
- (FF) Telecommunications monopole, pursuant to Section 5-618(B)(1).
- (GG) Bed and Breakfast Inn, pursuant to Section 5-601(B).

~~(GG)~~(HH) Limited Brewery, pursuant to Section 5-667.

2-303

Special Exception Uses. The following uses may be approved by the Board of Supervisors and, if approved, may be subject to certain conditions, pursuant to the provisions in Section 6-1300.

- (A) Airport

- (B) RESERVED.
- (C) Community center.
- (D) Country Inn, pursuant to 5-601(C), by Minor Special Exception.
- (E) Camp, day and boarding.
- (F) Educational or research facilities related to uses permitted in this district.
- (G) Equestrian facility, on lots of less than fifty (50) acres or without state maintained road frontage.
- (H) Extraction of sedimentary rock.
- (I) Farm market, pursuant to Section 5-603.
- (J) Fire and/or rescue station.
- (K) Guest farms or ranch, leasing four to twenty (4-20) guest rooms.
- (L) Private club or lodge.
- (M) Nursery, production without frontage on a state maintained road, pursuant to Section 5-605.
- (N) Orphanage, or similar institution.
- (O) Small business, pursuant to the provisions of Section 5-614.
- (P) Stable, neighborhood, on lots of less than fifty (50) acres or without state maintained road frontage.
- (Q) Structure or use for federal, state, county or local government purposes, not otherwise listed.
- (R) Tenant dwelling, pursuant to Section 5-602.
- (S) Utility transmission lines, overhead.
- (T) Animal hospital.
- (U) Kennel, pursuant to Section 5-606.
- (V) Yard waste composting facility.
- (W) Cemetery, mausoleum or memorial park, pursuant to Section 5-637.

- (X) Church, synagogue and temple.
- (Y) Convent, monastery, or seminary, pursuant to Section 5-656.
- (Z) Child or adult day care center, pursuant to Section 5-609.
- (AA) Commuter parking lot with greater than 50 spaces.
- (BB) Congregate housing facility.
- (CC) Country club.
- (DD) Golf course.
- (EE) Public or private community or regional park.
- (FF) Sawmill, pursuant to Section 5-629.
- (GG) Agricultural processing facilities, such as abattoir, cannery, grain mill and the like.
- (HH) Water storage tank pursuant Section to 5-621.
- (II) Water treatment plant, pursuant to Section 5-621.
- (JJ) Sewage treatment plant pursuant to Section 5-621.
- (KK) Rural resort, pursuant to Section 5-601.
- (LL) Crematorium, pursuant to Section 5-637.
- (MM) Rural agricultural corporate retreat, pursuant to Section 5-619.
- (NN) Vegetative waste management facility.
- (OO) Telecommunications monopole, pursuant to Section 5-618(B)(2).
- (PP) Telecommunications tower, pursuant to Section 5-618(C)(2).
- (QQ) Police Station.
- (RR) Banquet/Event Facility, pursuant to Section 5-642 as a Minor Special Exception.
- (SS) Country Inn with Restaurant, pursuant to 5-601(C).

Section 2-400

A-3 Agricultural Residential.

2-401

Purpose. This district is established to provide for the continued practice of agriculture, farm operations, agriculturally related and home based businesses, low density residential developments, preferably in a hamlet subdivision pattern, and other uses in a predominantly rural environment. The district also permits direct marketing of farm products and services.

2-402

Permitted Uses. The following uses are permitted in this district:

- (A) Agriculture, horticulture, forestry, and fishery, pursuant to Section 5-626.
- (B) Accessory apartment or dwelling unit, pursuant to Section 5-613.
- (C) Bed and Breakfast Homestay, pursuant to Section 5-601(A).
- (D) Child care home, pursuant to Section 5-609(A).
- (E) Equestrian facility, on lots of fifty (50) acres or more, with frontage on a state maintained road.
- (F) Guest farm or ranch, leasing no more than three (3) guest rooms.
- (G) Guest house, pursuant to Section 5-612.
- (H) Rural hamlet, pursuant to Section 5-702.
- (I) Home occupation, pursuant to Section 5-400.
- (J) Nature preserve, such as but not limited to, wildlife sanctuary, conservation areas, and game preserve.
- (K) Nursery, production, with frontage on a state maintained road, pursuant to Section 5-605.
- (L) Public or private playground, or neighborhood park.
- (M) Recycling drop-off collection center, small, pursuant to Section 5-607.
- (N) School, private elementary or middle, for fifteen or less (15) pupils.
- (O) Dwelling, single-family, detached, including manufactured housing.
- (P) Small business, pursuant to the provisions of Section 5-614.

- (Q) Stable, neighborhood on lots of twenty five (25) acres or more, with frontage on a state maintained road.
- (R) Stable, private.
- (S) Tenant dwelling, pursuant to Section 5-602(A) & (C).
- (T) Wayside stand, pursuant to Section 5-604.
- (U) Utility substation, dedicated.
- (V) Bus shelter.
- (W) Commuter parking lot, with 50 spaces or less.
- (X) Farm machinery sales and service, pursuant to Section 5-615.
- (Y) Sewer pumping station, pursuant to Section 5-621.
- (Z) Water pumping station, pursuant to Section 5-621.
- (AA) Mill, feed and farm supply center.
- (BB) Rural agricultural corporate retreat, pursuant to Section 5-619.
- (CC) School, public.
- (DD) Pet Farm.
- (EE) Telecommunications antenna, pursuant to Section 5-618(A).
- (FF) Telecommunications monopole, pursuant to Section 5-618(B)(1).
- (GG) Municipal drinking water supply reservoir.
- (HH) Bed and Breakfast Inn, pursuant to Section 5-601(B).

~~(HH)~~(II) Limited Brewery, pursuant to Section 5-667.

2-403

Special Exception Uses. The following uses may be approved by the Board of Supervisors and, if approved, may be subject to certain conditions, pursuant to the provisions in Section 6-1300.

- (A) RESERVED
- (B) Cemetery, mausoleum or memorial park, pursuant to Section 5-637.
- (C) Church, synagogue and temple.

- (D) Nursery, commercial, pursuant to Section 5-605.
- (E) Community center.
- (F) Convent, monastery, or seminary, pursuant to Section 5-656.
- (G) Country Inn, pursuant to Section 5-601(C), by Minor Special Exception.
- (H) Camp, day and boarding.
- (I) Equestrian facility, on lots of less than fifty (50) acres or without frontage on a state maintained road.
- (J) Extraction of sedimentary rock.
- (K) Farm market, pursuant to Section 5-603.
- (L) Fire and/or rescue station.
- (M) Guest farm or ranch, leasing four to twenty (4-20) guest rooms.
- (N) Kennel, pursuant to Section 5-606.
- (O) Nursery, production, without frontage on a state maintained road, pursuant to Section 5-605.
- (P) Private club or lodge.
- (Q) School.
- (R) Public utility service center and storage yard.
- (S) Recycling drop-off collection center, large, pursuant to Section 5-607.
- (T) Continuing care facility.
- (U) Orphanage, or similar institution.
- (V) Rural retreat, pursuant to Section 5-601(D).
- (W) Small business, pursuant to the provisions of Section 5-614.
- (X) Stable, neighborhood, on lots less than twenty-five (25) acres, or without frontage on a state maintained road.

- (Y) Structure or use for federal, state, county, or local governmental purposes, not otherwise listed.
- (Z) Tenant dwelling, pursuant to Section 5-602(B) & (C).
- (AA) Testing station.
- (BB) Veterinary service.
- (CC) Utility substation, transmission, pursuant to 5-616.
- (DD) Utility transmission lines, overhead.
- (EE) Hospital, pursuant to Section 5-610.
- (FF) Telecommunications monopole, pursuant to Section 5-618(B)(2).
- (GG) Yard waste composting facility.
- (HH) Airport.
- (II) Arboretum.
- (JJ) Auction house.
- (KK) Borrow pit for construction.
- (LL) Child or adult daycare center, pursuant to Section 5-609.
- (MM) Commuter parking lot with greater than 50 spaces.
- (NN) Congregate housing facility.
- (OO) Country club.
- (PP) Educational or research facility related to uses permitted in this district.
- (QQ) Fairgrounds.
- (RR) Golf course
- (SS) Marina.
- (TT) Playing fields and courts, lighted.
- (UU) Public or private community or regional park.
- (VV) Radio and/or television tower.

- (WW) Sawmill, pursuant to Section 5-629.
- (XX) Sewage treatment plant.
- (YY) Agricultural processing facilities such as, abattoir, cannery, grain mill, and the like.
- (ZZ) Animal hospital.
- (AAA) Water storage tank.
- (BBB) Utility substation, distribution, pursuant to Section 5-616.
- (CCC) Rural resort, pursuant to Section 5-601.
- (DDD) Crematorium, pursuant to Section 5-637.
- (EEE) Rural agricultural corporate retreat, pursuant to Section 5-619.
- (FFF) Vegetative waste management facility.
- (GGG) Recreation establishment, outdoor or indoor.
- (HHH) Magazine contained explosives facility, pursuant to Section 5-622.
- (III) Telecommunications tower, pursuant to Section 5-618(C)(2).
- (JJJ) Police Station.
- (KKK) Banquet/Event Facility, pursuant to Section 5-642, by Minor Special Exception.
- (LLL) Country Inn with Restaurant, pursuant to Section 5-601(C).

Section 5-600 Additional Regulations for Specific Uses. The following additional regulations apply to specific uses as set forth below. These regulations are intended to serve as the minimum standards for these uses, and are not intended to be in substitution for other provisions of this ordinance that may apply, or for additional conditions that may be imposed in connection with special exception or rezoning approvals. Unless otherwise specified, the following additional regulations may be modified by Minor Special Exception in accordance with the provisions of Section 6-1300. Modifications may be approved by the Board of Supervisors upon a finding that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, preserve the County's historic or archeological heritage, or otherwise exceed the public purpose of the existing regulation. No modification shall be granted to any of the underlying zoning district regulations.

5-627 Agriculture Support Uses (Direct Association with Agriculture, Horticulture or Animal Husbandry).

(A) Intensity/Character.

- (1) In Association with On-Going Agriculture, Horticulture, or Animal Husbandry Use.** The agriculture support use (direct association) shall be allowed only in direct association with an on-going agriculture, horticulture, or animal husbandry use or activity.
- (2) Site Size.** The minimum lot area for any agriculture support use (direct association) shall be 5 acres.
- (3) Visitors/Customers/Parking Spaces.** The minimum lot area shall increase based on the number of visitors/customers attracted to the use, as follows:

Use	Scope of Use/Event	Lot Area (Minimum)
Level I—small scale	No more than 200 visitors on any one day; no more than 100 vehicles allowed on site at any one time.	5 acres, up to 25
Level II—medium scale	> 200 visitors on any one day, no more than 400; no more than 200 vehicles allowed on site at any one time.	>25 acres, up to 50
Level III—large scale	> 400 visitors on any one day, no more than 600; no more than 300 vehicles allowed on site at any one time, except 4 additional visitors and 2 additional vehicles allowed per acre in excess of 100 acres.	>50 acres, up to 100

- (4) **Hours of Operation.** Hours of operation for any agriculture support use (direct association) shall be limited to the hours from 6:00 a.m. to 9:00 p.m.
- (5) **Owner.** The agriculture support use (direct association) shall be operated or maintained by the owner or occupant of the land upon which the primary associated agriculture, horticulture, or animal husbandry use is being conducted.

(B) **Size of Use.**

- (1) **Structure.** The size of structures used in the agricultural support use (direct association) shall not exceed the following gross floor area (total all structures):

Use	Lot Area	Size of Structures (Maximum)
Level I—small scale	5 to 25 acres	12,000 square feet
Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet
Level III—large scale	> 50 acres, up to 100 acres. Additional structure size allowed by right at rate of 2,400 square feet per 10 acres in excess of 100 acres, up to 48,000 square feet in total structure size for agriculture support (direct association uses)	36,000 square feet

- (2) **Storage Areas.** The total area of all storage areas used in the agricultural support use (direct association) shall not exceed the following size in square feet:

Use	Lot Area	Size of Structures (Maximum)
Level I—small scale	5 to 25 acres	5,000 square feet
An additional 1,000 square feet of storage area shall be allowed by right for each additional 10 acres, not to exceed a maximum of 20,000 square feet.		

- (C) **Location on Site/Dimensional Standards.** Structures or storage areas of an agricultural support use (direct association) shall be set back from lot lines as follows:

Use	Lot Area (Min.)	Size of Structures (Max.)	Setback from Lot Lines
Level I—small scale	5 to 25 acres	12,000 square feet	60 ft.

Use	Lot Area (Min.)	Size of Structures (Max.)	Setback from Lot Lines
Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet	120 ft.
Level III—large scale	> 50, up to 100 acres	36,000 square feet	175 ft.

(D) **Landscaping/Buffering/Screening.**

- (1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).
- (2) **Storage Areas.** All storage areas shall be screened and landscaped consistent with the standards of Section 5-653(C).

(E) **Road/Access Standards.**

- (1) **General Access Standards.** An agriculture support use (direct association) shall comply with the road access standards of Section 5-654.
- (2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.
- (3) **Vehicles/Equipment.** Any agricultural support use (direct association) that involves the use of or services heavy equipment shall have direct access to a paved public road maintained by the state. Direct access shall not be provided by a private easement.

(F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(G) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

(H) **Hazardous Chemicals, Pesticide Use.** The use and application of herbicides, pesticides, and potentially hazardous chemicals and substances such as paints and solvents shall be prohibited within the required buffer.

(I) **Parking.**

- (1) **General.** Parking shall be provided as required by Section 5-1102.
- (2) **Surface.** All parking areas serving the agricultural support use (direct association) shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

5-667 Brewery, Limited. Brewery, limited shall be licensed as a Limited Brewery in accordance with Section 4.1-208 of the Code of Virginia and shall be located in the AR-1, AR-2, A-10 or A-3 districts. No Limited Brewery shall be established either as the initial use of the subject property or by change of use of this property or by conversion of one such use to another until a sketch plan or site plan, as applicable, for such proposed new use has been approved and the appropriate building permit and/or applicable Fire Prevention Code requirements and/or permits have been met and/or obtained. A Limited Brewery shall comply with the following standards:

(A) Size of Use.

- (1) **Structures.** The size of structures used for a Limited Brewery shall not exceed 12,000 square feet.
- (2) **Storage Yards.** The total area of storage yards used for a Limited Brewery shall not exceed 5,000 square feet.

(B) Yard Standards.

- (3) **Structures, storage areas, and parking shall be set back at least 60 feet from all lot lines.**

(C) Landscaping/Buffering/Screening.

- (1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A). The landscaping and screening requirements of Section 5-653(A) may be waived or modified in whole or in part by the Zoning Administrator in the circumstances listed in Section 5-1409.
- (2) **Parking and Storage Areas.** Parking and storage areas shall be screened to comply with the requirements of Section 5-653(B).

(D) Parking.

(1) **General.** Parking and loading shall be provided as required by Section 5-1102.

(E) **Roads/Access Standards.**

(1) **General Access Standards.**

(a) A Limited Brewery shall comply with the road access standards of Section 5-654.

(b) There shall be no more than two points of access for a Limited Brewery.

(c) For any Limited Brewery that is located on a lot which does not have frontage on a publicly maintained road, documentation shall be provided to the Zoning Administrator demonstrating that the private access easement serving such lot may be used to provide access to the Limited Brewery.

(2) **Vehicles/Equipment.** Limited Breweries that use heavy equipment shall have direct access to a paved public road.

(F) **Exterior Lighting Standards.**

(1) Exterior lighting shall comply with the standards of Section 5-652(A)(1)-(3) (Exterior Lighting Standards). In addition to the requirements of Section 5-652, the maximum height of pole mounted exterior lighting, outside of parking areas, shall be 12 feet.

(G) **Noise.**

(1) The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

(H) **Water and Wastewater.**

(1) A Limited Brewery must provide safe and adequate water and waste water disposal, as approved by the Health Department.

Sketch Plan.

- (A) A Sketch Plan is required as part of a zoning permit application for the following permitted uses: Animal Care Business; Bed and Breakfast Homestay and Bed and Breakfast Inn (with less than 5,000 sq. ft. of disturbance); Child Care Home; Farm Market (but not including the use Farm Market (off-site production), which shall require a site plan); Limited Brewery; Stable (Private or Neighborhood); and Wayside Stand.
- (B) A Sketch Plan shall include a drawing of all aspects of the business operations including the location, size and dimensions of buildings, the size and dimensions of areas within existing structures to be used for the business; size, dimensions, and location of any accessory structures, outdoor storage yards, and screening buffering; quantity and dimensions of parking spaces; location of proposed signs, if any; location of wells and septic systems; and the approximate location of any on-site floodplain as determined from the County map. The Sketch Plan shall include information necessary to illustrate conformance with the Additional Regulations for Specific Uses of Section 5-600. In addition, the Sketch Plan shall include the location and width of entrances and adjacent right-of-way, adjoining properties, and easements.
- (C) The Sketch Plan need not be drawn to scale, nor does it have to be prepared by a licensed professional. However, distances from structures to adjacent lot lines must be accurately depicted.

ARTICLE 8 DEFINITIONS

Words and terms set forth below shall have the meanings ascribed to them. Any word, term, or phrase used in this Ordinance not defined below shall have the meaning ascribed to such word, term or phrase in the most recent edition of Webster's Unabridged Dictionary, unless in the opinion of the Zoning Administrator, established customs or practices in Loudoun County, Virginia justify a different or additional meaning. For the purpose of this Ordinance, certain words and terms are herein defined as follows:

A

Agricultural ~~processing~~ Processing: ~~The P~~rocessing, preparation, and manufacturing operations ~~for of~~ agricultural products that changes the physical state or form of the product with a minimum of 51% of the processed product being produced on the farm including meat preparation; feed mills; dairy processing; timber processing; and fruit and vegetable packing, sorting and grading, as an accessory use to an agriculture, horticulture or animal husbandry use.

Agricultural research facility: A facility for the investigation, testing, and demonstration of agricultural products and processes, including biotechnical agriculture, veterinary, soil, plant and animal sciences.

Agriculture: Uses characterized by general active and on-going agricultural activities, including agronomy, aquaculture, biotechnical agriculture (including education parks for biotechnical agriculture or a demonstration farm), forestry, fisheries, honey production, silviculture (including the harvesting of timber), and similar uses. Agriculture does not include a grocery store or the retail or wholesale sale of products remotely related to the production of agricultural products. Agriculture does not include preparatory functions such as grading or creation of planting beds through stockpiling of dirt or other means when such preparations do not result in an active and on-going agricultural activity within 30 days. Accessory uses may include offices, storage areas and repair facilities related to agriculture uses.

B

Brewery, Limited: A brewery licensed as a limited brewery and is located on a farm in the Commonwealth on land zoned agricultural.

FOR INFORMATION PURPOSES ONLY

Agriculture Support and Services Directly Associated with On-going Agricultural Activity, On-Site: Uses that provide support and services to agricultural, horticultural and animal husbandry activities, which are limited to and that operate in conjunction with and on the site of on-going agricultural, horticultural or animal husbandry uses. These uses include: agricultural processing; agri-education; animal care businesses; commercial wineries; custom operators (haymaking, brush hogging, crop storage, hauling, fencing, barn construction); direct market businesses for the sale of products produced on-site, including but not limited to PYO (pick-your-own); equestrian facilities; farm co-ops; farm based tourism events; farm markets; farm machinery repair; feedlot (for on-going, on-site, animal husbandry activities); nurseries, commercial; pet farms; products combining recreation with consumption of agricultural products; portable sawmills; small business uses; stables; wayside stands; wetlands mitigation banks; and similar uses.

Agriculture Support and Services Not Directly Associated with On-Site Agricultural Activity: Uses and activities that provide support and services to agricultural, horticultural and animal husbandry activities, either on the site of the agricultural, horticultural or animal husbandry activity, or off-site. These uses include: agricultural research facility; animal care businesses; central farm distribution hub for agricultural products; equestrian facilities; equestrian facilities and infrastructure, public (horse trail networks, show rings, cross country course, etc.); farm machinery repair; farm machinery sales, rental and service; mill feed and farm supply centers; nurseries, commercial; stables, neighborhood, on lots of 25 acres or more, or frontage on state maintained road; stable, private; and similar uses.

Agritainment: Events and activities such as corn mazes, hay rides and petting zoos, that allow for recreation, entertainment and tourism in conjunction with agriculture support and services directly associated with on-going agricultural activity on-site.

Animal Husbandry: The active and on-going propagation, rearing, exercising, feeding, milking, housing, controlling, handling, or general care of living animals, including the raising and production of bison, cattle (beef and dairy), pigs, mules, ducks, emus, horses, goats, llama, alpaca, poultry, pigeons, sheep, and similar animal husbandry uses, but not including miniature horses or pot-belly pigs. The conduct of the foregoing activities with respect to animals meeting the definition of “Pet” or non-domesticated (wild) animals shall not be considered Animal husbandry.

Horticulture: The active and on-going cultivation and production of orchard, garden, or nursery crops on a small or large scale, including the production of Christmas trees, field grown crops, specialty crops, flowers, fruit, grapes, market gardening, nursery stock, nuts, ornamental plants, sod, vegetables, and similar horticultural uses; the cultivation of such produce by means of biotechnical or genetic engineering techniques; and Virginia Farm Wineries. Horticulture does not include preparatory functions such as grading or creation of planting beds through stockpiling of dirt or other means when such preparations do not result in an active and on-going horticultural activity within 30 days

County of Loudoun

Department of Planning and Zoning

MEMORANDUM

DATE: August 8, 2014

TO: Mark Depo, Planner
Zoning Administration

FROM: Pat Giglio, Planner
Community Planning

**SUBJECT: ZOAM 2014-0003, Limited Brewery and Agricultural Processing
Zoning Ordinance Amendment**

BACKGROUND

In 2013, the Board of Supervisors directed Staff to prepare amendments to the Revised 1993 Loudoun County Zoning Ordinance to allow “Limited Brewery” as a permitted use on farms within the Agricultural Rural-1 (AR-1), Agricultural Rural-2 (AR-2), and Agricultural-10 (A-10) Zoning Districts and to develop performance standards for the use. Currently breweries are identified as a “manufacturing use” under the provisions of the Revised 1993 Zoning Ordinance and are only allowed in industrially-zoned areas where the presence of adequate public facilities (water and wastewater) and transportation networks exist to support the use.

The proposed zoning ordinance amendment (ZOAM 2014-0003) for “Limited Brewery” was prompted by the advocacy of local brewers and the later passage of State legislation that become effective July 1, 2014. The General Assembly of Virginia adopted Senate Bill (SB) 430 that allows limited brewery licenses for breweries to manufacture up to 15,000 barrels of beer per year on farms zoned for agricultural use, requires that agricultural products (i.e. barley, other grains, hops or fruits) grown on the farm be used in the manufacture of the beer, and permits “on-premises sale, tasting, or consumption of beer during regular business hours”. The adopted legislation also contains language that allows localities to exempt limited breweries from any local regulation of minimum parking, road access, or road upgrade requirements. The licenses for Limited Brewery are administered by the Virginia Department of Alcoholic Beverage Control (ABC), though local governments may develop regulations to protect the health, safety and welfare of the public. The proposed standards for “Limited Brewery” developed by Zoning Administration, in reverence to the adopted State legislation, do not require a minimum acreage for the farm or specify the percentage of agricultural products in the beer that must originate on the farm, unlike the existing

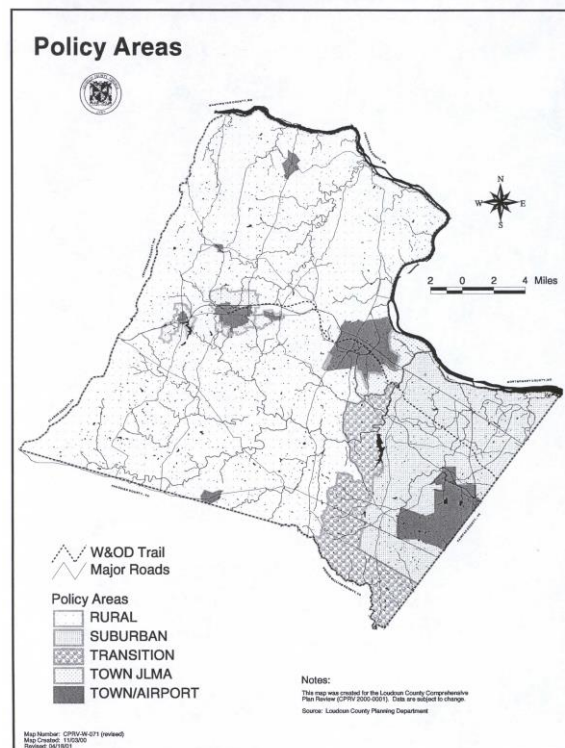
State legislation requirement for Class A Farm Wineries which specify that a minimum of 51% of the fresh product used in the wine must originate on the farm. The proposed regulations for limited breweries does not regulate the use but does limit the size of the structure and storage yards, proposes minimum setback requirements for buildings and parking, and references buffering and screening, parking, access standards, lighting and noise standards that are in keeping with the requirements for other rural business uses in the County.

The Board of Supervisors also directed Staff to initiate a zoning ordinance amendment to change the definition of “Agricultural Processing” and consider amending the districts where the use would be permitted by-right. Currently, Agricultural Processing is allowed in zoning districts accessory to on-site agricultural activity or accessory to an agricultural, horticultural or animal husbandry use. The proposed definition for Agricultural Processing specifies that 51% of the processed product must originate on the farm.

Community Planning Staff is providing the following information and comments to assist Zoning Administration in their development ZOAM 2014-0003.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

Comprehensive Plan guidance for the proposed zoning ordinance amendments for “Limited Brewery” and “Agricultural Processing” is provided in the policies of the Revised General Plan (the Plan). The agricultural zoning districts which are applicable to the proposed zoning ordinance amendments generally correspond with properties located within the northern tier and southern tier of the Rural Policy Area identified in the Plan (*Revised General Plan, Chapter 7, Planned Land Use*). The Rural Policy Area is the largest of the County’s three policy areas. It encompasses approximately 230,000 acres, representing about 67 percent of Loudoun County’s total land area and includes six of the County’s seven incorporated Towns. The Rural Policy Area is planned for limited residential development and rural economy uses (*Revised General Plan, Chapter 7, Land Use Pattern and Design*).



LAND USE

The policies of the Revised General Plan support the establishment of the Rural Policy Area as a permanent rural landscape, a unique composite of natural and man-made environments, farms, forestal areas, natural areas, and wildlife habitats, village and hamlets. The County supports development and activities within the Rural Policy Area that preserve the rural character of the landscape, that are compatible with the dominant rural agricultural land use pattern, and that promote opportunities for the expansion of the County's rural economic as well as environmental goals (Revised General Plan, Chapter 7, Land Use Pattern and Design Strategy Policies, Policy 8).

The Rural Economy policies of the Plan identify a variety of appropriate rural business uses that include traditional and non-traditional agricultural enterprises such as crop and cattle production, the equine industry, vineyards and wineries, nurseries, horticulture and specialty farm products, farm markets and wayside stands, farm supportive businesses (i.e. farm co-ops, farm machinery repair, veterinary services, etc.), small home-based businesses, hospitality service uses such as bed and breakfast enterprises, country inns, banquet facilities, rural retreats and resorts, and private camps and parks (Revised General Plan, Chapter 7, Land Use Pattern and Design, Policy 6 & Rural Economy Policies, Policy 4). The Plan in all instances calls for performance criteria to ensure that these rural business uses are compatible in scale, size, and intensity with surrounding land uses and the rural character of the area (Revised General Plan, Chapter 7, Land Use Pattern and Design Strategy Policies, Policy 6). The sustainability of the rural economy and these rural business uses are highly interrelated and dependent on the protection and preservation of the rural land base for its natural and cultural resources, agricultural potential and scenic quality.

The Rural Policies of the Plan do not specifically identify "Limited Brewery" or "Agricultural Processing" as a use in the Rural Policy Area, but as indicated above allow for a range of similar by-right on-farm uses which convert raw agricultural products into finished products. Plan policies support the development of these types of on-farm rural business uses, which create value-added products and permit rural property owners access to additional sources of income to supplement revenue from agricultural production (Revised General Plan, Chapter 7, Rural Economy Policies, Policy 4).

Analysis

In general Staff finds that the proposed introduction of the "Limited Brewery" use and the redefining of the "Agricultural Processing" use conform to the land use strategy and rural economic policies of the Revised General Plan for the Rural Policy Area.

COMPATIBILITY

The policies of the Revised General Plan support the establishment of business uses in the Rural Policy Area that are compatible in scale, use, and intensity with the dominant rural agricultural land use pattern, preserve the rural character of the landscape, and promote opportunities for the expansion of the County's rural economic as well as environmental goals (Revised General Plan, Chapter 7, Rural Economy Policies,

Policies 2 and 3). Specifically the Plan identifies performance criteria for rural business uses which address traffic capacity limits, employee limits, site design standards (i.e. buffering, use intensity, siting, architectural features), adequate water and wastewater disposal systems, and public health, safety and welfare to ensure their compatibility with the dominant land use pattern and character of the surrounding rural area (Revised General Plan, Chapter 7, Land Use Pattern and Design Strategy Policies, Policy 6).

The proposed zoning regulations for “Limited Brewery” include performance criteria similar to those for “Commercial Wineries” and “Agricultural Support Uses”, that establish size limits for structures to limit the size of the operation, buffering and setback requirements, road access standards, and, noise and lighting standards to ensure the brewery use and associated tasting rooms and/or events do not become a nuisance nor detract from the rural character of the area. The proposed regulations for a Limited Brewery unlike “Commercial Wineries” and “Agricultural Support Uses” does not have a minimum lot requirement for the use or prescribe hours of operation, since the state enabling legislation permits the limited brewery as an “on-farm” use and only reference operations during “normal business hours”. No changes are proposed to the existing performance standards for “Agricultural Processing”; only the definition for the use.

While the proposed zoning ordinance text amendments include some performance criteria for “Limited Brewery” and none for “Agricultural Processing”, other potential impacts associated with transportation as well as water and wastewater could affect the public health, safety and welfare of citizens and businesses located in the Rural Policy Area. These potential impacts are discussed below:

Transportation

The operation of a “Limited Brewery” or “Agricultural Processing” facility will require the regular delivery of materials (i.e., grain, hops, bottles, etc.) by large trucks to support these uses as well as for the shipping of the finished products and waste materials. Additionally it is anticipated that increased traffic will be generated by visitors to these rural business use, particularly the tasting rooms associated with the proposed “Limited Brewery” use.

The smaller rural roads in the County, which are often paved or gravel single-lane roadways, may not be designed to safely accommodate the larger trucks needed to support these rural businesses, specifically the widths and weight constraints of these roadways may not be conducive to truck traffic. The higher traffic volumes associated with deliveries, employees and visitors to these uses also may impact the capacity of the rural road network and necessitate additional road maintenance, particularly for the gravel roads. Community Planning Staff recommends that further analysis of the potential transportation impacts of these uses on the County’s rural road network be considered in the review of the proposed zoning ordinance amendments and that road standards be developed for these uses.

Water and Wastewater

Residents in the Rural Policy Area depend on individual wells as their source of drinking water and are responsible for their own on-site wastewater treatment, which is usually a conventional drainfield. The operation of a “Limited Brewery” or “Agricultural Processing” facility depending on the size of the operation may require large amounts of water for production that may affect groundwater supply to neighboring wells and may generate wastewater that may adversely affect the environment and the surrounding aquifer if not managed, treated and regulated appropriately. Further it must be noted that beer is 95% water in composition; however, the amount of water used to produce a barrel (31 gallons) of beer is far greater. Typically in the U.S., breweries average between four and seven barrels of water for every barrel of beer produced depending on the water conservation measures used by the brewery (Brewers Association, *Water and Wastewater: Treatment/Volume Reduction Manual*, p.6). Additionally, the wastewater from the manufacture of beer, because of its composition, must be treated differently from residential wastewater. The liquid wastewater from the brewing processes contains concentrations of solids and micro-organisms, which most municipalities require to be pre-treated to lower the strength of the effluent prior to being discharged into the public sewer system for final treatment (Brewers Association, *Water and Wastewater: Treatment/Volume Reduction Manual*, p.36). In contrast with the production of wine, crushed fruit is used exclusively and water is only used in the clean-up process and limited amounts of wastewater are being produced.

Groundwater is a precious resource that is highly susceptible to fluctuation in quantity and quality. The Plan states that it is County policy to protect groundwater from contamination and ensure an adequate level of drinking water quality for the residents of rural Loudoun that are dependent on groundwater as a water source (*Revised General Plan, Chapter 5, Groundwater Policies, Policy 2*). The proposed Zoning Ordinance amendments have not considered the water and wastewater needs associated with the “Limited Brewery” or “Agricultural Processing” uses nor their potential impacts on the environment and groundwater resources. Staff is concerned about the possible risks of lowering the water table given the amount of water required to support these uses and the limited water resources available in the Rural Policy Area, as well as the risk of contamination associated with the on-site wastewater treatment and discharge associated with these uses. Community Planning Staff recommends that standards be developed for “Limited Brewery” or “Agricultural Processing” uses that require Health Department approval of on-site water and wastewater systems prior to the issuance of a zoning permit. Standards could be developed which limit the amount of water that could be withdrawn from wells to protect the aquifer, require minimum treatment levels for wastewater discharge associated with the manufacturing process, and require periodic monitoring and inspections of these on-site systems. Further, best management practices for reducing water consumption should also be encouraged.

Analysis

The operation of a “Limited Brewery” or “Agricultural Processing” facility, depending on size and scale of the operation, has the potential to adversely

affect the capacity of rural roads with increased traffic and require the use of large amounts of water, which may affect groundwater quantity and quality as well as produce wastewater which may impact the environment if not appropriately monitored and treated. Staff recommends that potential transportation and water and wastewater impacts associated with these uses be considered and appropriate zoning ordinance standards, similar to existing requirements for agricultural uses, be developed to mitigate potential impacts.

Community Planning Staff recommends that road standards be developed to mitigate potential transportation impacts associated with the proposed “Limited Brewery” or “Agricultural Processing” uses.

Community Planning Staff recommends that standards be developed for “Limited Brewery” or “Agricultural Processing” uses to require Health Department approval of on-site water and wastewater systems prior to the issuance of zoning permits. Standards could be developed which limit the amount of water that could be withdrawn from wells to protect the aquifer, require minimum treatment levels for wastewater discharge associated with the manufacturing process, and require periodic monitoring and inspections of these on-site systems.

RECOMMENDATIONS

The policies of the Revised General Plan support the development of rural businesses that are compatible in scale, use and intensity with the rural environment and preserve large areas of land for rural economy, agricultural and open space uses. The proposed Zoning Ordinance amendment to allow “Limited Brewery” as a permitted on-farm use and the redefining of the “Agricultural Processing” use conform to the land use strategy and rural economic policies of the Revised General Plan for the Rural Policy Area. Staff in the review of the Zoning Ordinance amendment has identified transportation and water and wastewater issues and impacts associated with these uses which should be considered as part of the ZOAM discussions.

cc. Julie Pastor, FAICP, Director, Planning and Zoning
Cindy Keegan, AICP, Program Manager, Community Planning-via email

COUNTY OF LOUDOUN, VIRGINIA
DEPARTMENT OF ECONOMIC DEVELOPMENT
MEMORANDUM

DATE: July 14, 2014

TO: Mark A. Depo, Planner, Zoning Administration

FROM: Buddy Rizer, Director, Department of Economic Development

THRU: Kellie Boles, ADO, Department of Economic Development

SUBJECT: Referral Review-Limited Brewery and Agricultural Processing Text Amendment

Staff is responding to a request from Department of Planning and Zoning to provide a written referral review on the proposed Limited Brewery and Agricultural Processing Text Amendment. Below are comments prepared by staff.

Limited Brewery:

The DED staff notes that, as defined by State Code, *Limited Breweries* are of similar scale and intensity as *VA Farm Wineries*. As such, the standards associated with the use should reflect the same level of standards applied to farm wineries. The Department recommends no additional regulations for the specific use of *Limited Brewery* be added under Section 5-667 as proposed.

Agricultural Processing:

The DED supports the proposed changes to the definition of Agricultural Processing to encompass all agricultural products and supports the requirement to tie the use directly to local agricultural production.

Agriculture:

The Department of Economic Development has concerns with the proposed changes to the definition of Agriculture. Staff questions why the changes are being proposed. The changes reflect the exclusive use of land rather than the types of uses that constitute agriculture activities that are occurring on the land. The Department recommends adding a definition for an Agricultural Operation or for Production Agriculture which reflects agricultural uses and that aligns with State Code:

DED Memo – dated 07/14/14
Page 2

"Agricultural operation" means any operation devoted to the bona fide production of crops, or animals, or fowl including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture activity.

"Production agriculture and silviculture" means the bona fide production or harvesting of agricultural or silvicultural products but shall not include the processing of agricultural or silvicultural products or the above ground application or storage of sewage sludge.


County of Loudoun

Department of Transportation and Capital Infrastructure

MEMORANDUM

DATE: July 18, 2014

TO: Mark A. Depo, Planner
Department of Planning and Zoning

FROM: Rory L. Toth, CZA, Senior Transportation Planner 
DTCI, Transportation Planning and Operations Division

SUBJECT: **ZOAM 2014-0003 Limited Brewery and Agricultural Processing Text Amendment First Referral**

Background

This Zoning Ordinance Amendment (ZOAM) proposes changes to the Revised 1993 Zoning Ordinance (Zoning Ordinance) in order to (1) Amend the definition of Agricultural Processing to include the manufacture of products derived from agricultural products produced on site; (2) Consider amending the zoning districts in which agricultural processing should be permitted; (3) Review and Amend the performance standards for agricultural processing; and (4) Incorporate such amendment in conjunction with the Brewery Zoning Ordinance Amendment. Breweries and the manufacturing of agricultural products are currently permitted in the industrial zoning districts of the County. There is an increasing interest in establishing breweries with tasting rooms in the western portion of the County within agricultural zoning districts. In addition, the processing of raw products produced on a farm into a different products is being explored. The purpose of this ZOAM is to identify zoning districts within the County that are suitable to allow breweries and the manufacturing of agricultural products and to establish corresponding regulations. It is important to note that since such time as the Board of Supervisors directed Staff to work on this ZOAM, that the Commonwealth of Virginia has adopted Senate Bill (SB) 430 *Farm brewery license, limited; local regulation of certain activities* and House Bill (HB) 268 *Agricultural operations and local regulation of certain activities*. Both bills were effective on July 1, 2014 and the proposed text amendment has been drafted to include SB 430 and HB 268. The proposed changes would impact the AR-1, AR-2, A-3 and A-10 zoning districts in the Rural Policy Area.

Department of Transportation and Capital Infrastructure's (DTCI's) review of this proposed ZOAM is based on materials received from the Department of Building & Development on June 17, 2014, including (1) A referral cover sheet, dated June 17, 2014 containing a summary of the proposed amendments; (2) SB 430 (**Attachment 1**) and HB 268 (**Attachment 2**); and (3) Draft strikethrough versions of Staff's proposed changes to Sections 2-100, 2-200, 2-300, 2-400, 5-667, and Article 8 of the zoning ordinance text, dated June 17, 2014.

Transportation Comments

1. Regarding the use "Brewery, Limited", DTCI concurs that performance standards in Section 5-667 are necessary in order to mitigate impacts based on the scale and the intensity of the use.

2. Under the proposed text, the newly defined use “Brewery, Limited” would become a permitted use in the AR-1, AR-2, A-3 and A-10 zoning districts and the “Agricultural Processing” use would now allow the manufacturing of raw products on a farm into a different product, under certain circumstances. Given the widely varying physical characteristics and conditions of unpaved roads in the County, especially in agricultural zoned districts predominately located in the western part of the County, DTCI has concerns with the increase in commercial traffic and the potential scale and intensity of these uses on unpaved roads as the intensity and resulting higher traffic volumes generated by such uses, including delivery and service vehicles, can only be adequately accommodated on paved roadways.
3. Regarding the use “Agricultural Processing”, DTCI concurs that performance standards in Section 5-627 are necessary in order to help mitigate impacts based on the scale and the intensity of the use. DTCI has concerns with service and delivery vehicles accessing “Agricultural Processing” uses off of unpaved roadways and recommends these be addressed through performance standards.
4. As currently proposed, it appears that special events could occur on a property containing a “Brewery, Limited” and/or “Agricultural Processing” use. Such events would result in an unknown amount of traffic accessing various sites within the Rural Policy Area without any regard to a road’s physical condition or characteristics (e.g., public or private, paved or unpaved, roadway width, sight distance, etc). DTCI recommends that the physical conditions and characteristics of the roadway network be considered in the review of the proposed amendments through performance standards.
5. Regarding Section 5-667(E)(1)(b), DTCI recommends that the draft text clarify that there will be no more than two points of access to a public road for a “Brewery, Limited” use.
6. DTCI notes that there are Section reference issues with Sections 2-100, 2-200, 2-300, 2-400 and Section 5-667.

ATTACHMENTS

1. SB 430
2. HB 268

cc: Kathleen Leidich, AICP, Assistant Director, DTCI
Lou Mosurak, AICP, Senior Coordinator, DTCI



**Loudoun County, Virginia
Department of Fire, Rescue, and Emergency Management
Fire Marshal's Office**

23675 Belmont Ridge Road, Suite 150
Brambleton Virginia 20148
Phone 703-737-8600 Fax 703-737-8595



Memorandum

Date: August 25, 2014
To: Mark Depo, Senior Planner Zoning Administration
From: Linda Hale, Chief Fire Marshal
Subject: Breweries, limited

Thank you for reaching out to work with the Fire Marshal's Office and fire-rescue. As we have discussed the verbiage that would be of the most value being added to the breweries ZOAM would be similar to what we agreed to and was passed in the bed and breakfast ZOAM. If it is inserted directly beneath the "5-667 Breweries, limited" language, then it introduces it and I believe it flows well.

"No such use shall be established either as the initial use of the subject property or by change of use of this property or by conversion of one such use to another until a sketch plan or site plan, as applicable, for such proposed new use has been approved and the appropriate building permit and/or applicable Fire Prevention Code requirements and/or permits have been met and/or obtained."

This simply means they cannot pass zoning permit requirements and not pass the applicable building and/or fire code requirements and have a business. Therefore, anyone wishing to open a business in Loudoun County is fully aware of the code requirements prior to applying for the first zoning permit. It is not lengthy or wordy, and is straight to the point.

If there are, any questions please feel free to reach out to me.

Cc: W. Keith Brower, Jr., Chief of the Department
James Williams, Planning Deputy Chief LC-CFRS



LOUDOUN COUNTY, VIRGINIA
Department of Fire, Rescue and Emergency Management
801 Sycolin Road, Suite 200 Leesburg, VA 20175
Phone 703-777-0333 Fax 703-771-5359



Memorandum

To: Mark Depo, Project Manager
From: Maria Figueroa Taylor, Fire-Rescue Planner
Through: James Williams, Deputy Chief
Date: August 25, 2014
Subject: Limited Brewery and Agricultural Processing
ZOAM 2014-0003

Thank you for the opportunity to review the above captioned application.

The Fire and Rescue Planning Staff is concerned with the proposed Zoning Ordinance amendments that would allow Breweries with tasting rooms "*by right*" or without the opportunity to thoroughly review the proposal through a legislative process.

In order to best ensure public safety, we believe staff should be able to evaluate the adequacy of travel ways (width and conditions) providing access to the facility. Not only is access and circulation of emergency vehicles to the facility a concern, but in our past experience reviewing like-facilities, some are not able to support two-way traffic; a single flow of traffic is significant, as it can create potential dangerous situations during an emergency as we are trying to access the facility while staff and guests are trying to exit.

The availability of adequate water for firefighting purposes is also a concern. In addition, if a facility is "existing," permitting is likely easier to obtain. We won't know the conditions of said facilities or if they have fire protection equipment installed. Without an adequate review process, we could have buildings that meet the zoning requirements, but could otherwise be considered unsafe due to occupant load and use. That said, the Fire Marshal's Office will offer comments regarding Fire Code impacts under separate cover.

Fire and Rescue can support changes to the current Zoning regulations that would allow these facilities to be established "*by right*" in certain zoning districts if the performance standards include provisions to ensure the safety of all involved, including, but not limited to, annual fire safety inspections to assess use and authorized occupancy, adequate access and circulation of emergency vehicles and

adequate water supply for firefighting purposes. Limited review of proposals by Staff should also be considered to ensure the proposal is in conformance with the aforementioned performance standards.

Staff appreciates the need for these facilities and venues to encourage and promote economic development in Western Loudoun County; however, public safety cannot be compromised in order to achieve this goal.

If Staff can answer any questions or provide additional information, please let me know.

c: project file

COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT
MEMORANDUM

TO: Mark A. Depo, Planner, Planning

FROM: Hector E. Martinez, P.E. Engineering

TROUGH: Gary Clare, P.E. Chief Engineer

DATE: July 11, 2014

RE: Limited Brewery and Agricultural Processing Text Amendment

I have reviewed the referenced draft amendment.

We find the use to be very similar to wineries.

I have no objections from engineering to their adoption as currently drafted.

Any comments from the Environmental Review Team shall be forwarded under separate cover.

If you have any further questions, contact me at 703-771-5321 or
hector.e.martinez@loudoun.gov.



Environmental Health
Phone: 703 / 777-0234
Fax: 703 / 771-5023

Loudoun County Health Department


P.O. Box 7000
Leesburg, VA 20177-7000



Community Health
Phone: 703 / 777-0236
Fax: 703 / 771-5393

August 19, 2014

MEMORANDUM TO: Mr. Mark Depo, Senior Planner
Zoning Administration

FROM: Joseph E. Lock, MSC 68 
Rural Section Supervisor
Division Of Environmental Health

SUBJECT: **ZOAM 2014-0003, Brewery/Ag Processing**

This Department has no concern with the written text, however, the applicants will need to be aware that the sewage disposal system will require approved plans by a Professional Engineer and possibly other approvals for the Department of Environmental Quality. Concerning the proposed water supply, a public non-community water supply may be required by the Department of Drinking Water.

If further information or clarification on the above project is required, please contact me at 703-771-5800.

✓
JEL/JAB/jel

Cc: Juan Reyes, Manager Department of Environmental Health



PLANNING COMMISSION PUBLIC HEARING
 ZOAM 2014-0003: LIMITED BREWERY AND AGRICULTURAL PROCESSING
 SEPTEMBER 16, 2014

ZONING ORDINANCE SECTION	ZONING ORDINANCE TEXT PROPOSED	STAFF COMMENTS	ZOAG RECOMMENDATIONS
AR-1 Agricultural Rural-1, §2-100			
1.	Agriculture Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On-Site <u>Limited Brewery</u> P <u>Section 5-667</u>	Supports addition of Limited Brewery as a permitted use.	Supports addition of Limited Brewery as a permitted use.
AR-2 Agricultural Rural-2, §2-200			
2.	Agriculture Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On-Site <u>Limited Brewery</u> P <u>Section 5-667</u>	Supports addition of Limited Brewery as a permitted use.	Supports addition of Limited Brewery as a permitted use.
A-10 Agriculture, §2-300			
3.	Permitted Use. <u>HH. Limited Brewery, pursuant to Section 5-667.</u>	Supports addition of Limited Brewery as a permitted use.	Supports addition of Limited Brewery as a permitted use.
A-3 Agricultural Residential, §2-400			
4.	Permitted Use. <u>II. Limited Brewery, pursuant to Section 5-667.</u>	Supports addition of Limited Brewery as a permitted use.	Supports addition of Limited Brewery as a permitted use.
Additional Regulations for Specific Uses, §5-600			
5.	<u>§5-667</u> Brewery, Limited. Brewery, limited shall be licensed as a <u>Limited Brewery</u> in accordance with Section 4.1-208 of the Code of Virginia, shall be located in the AR-1, AR-2, A-10 or A-3 districts and shall comply with the <u>following standards</u>	Supports addition of Limited Brewery to Section 5-600. The proposed Standards are also in keeping with the authorized regulations of the Amendments to protect the health, safety, and welfare of property owners, and to regulate outdoor amplified music, minimum parking, road access, and road upgrade requirements. (See Planning Commission Public Hearing Report for more information)	Does not support providing standards for Limited Breweries. Supports treating limited breweries within the AR-1, AR-2, A-3 and A-10 zoning districts the same as a Farm Winery.
6.	<u>§5-667(A)(1)</u> Size of Use. The size of structures used for a <u>Limited Brewery</u> shall not exceed 12,000 square feet.	Structures would be limited to 12,000 square feet consistent with Agricultural Support Uses (Level I) and Agricultural Educational or Research Facilities (requires 150 feet setback from property lines) and greater than similar uses: Farm Based Tourism (5,000 sq. ft. – Level I).	Does not support providing standards for Limited Breweries.
7.	<u>§5-667(A)(2)</u> Size of Use. Storage Yards. The total area of storage yards used for a <u>Limited Brewery</u> shall not exceed 5,000 square feet.	Storage Yards would be limited to 5,000 square feet consistent with Agricultural Support Uses (Level I).	Does not support providing standards for Limited Breweries.
8.	<u>§5-667(B)(1)</u> Yard Standards. Structures, storage areas, and parking shall be set back at least 60 feet from all lot lines.	Structures and Storage Yards would be setback 60 feet from all property lines consistent with Agricultural structures housing livestock and Agricultural Support Uses (Level I); Public Safety Uses (less than 4,000 sq. ft.) but less than similar uses: Country Inn (100 feet); Commercial Winery (125 feet); Farm Based Tourism (100 feet – Level I); Banquet/Event Facilities (100 feet); Restaurant, in the AR districts (175 feet – structures over 4,000 sq. ft.)	Does not support providing standards for Limited Breweries.

ZONING ORDINANCE SECTION	ZONING ORDINANCE TEXT PROPOSED	STAFF COMMENTS	ZOAG RECOMMENDATIONS
9. <u>§5-667(C)(1)</u>	<u>Landscaping/Buffering/Screening.</u> The use shall comply with the landscaping and screening standards of Section 5-653(A). The landscaping and screening requirements of Section 5-653(A) may be waived or modified in whole or in part by the Zoning Administrator in the circumstances listed in Section 5-1409.	Landscaping and Screening of the use would be subject to Section 5-653(A) and could be waived by the Zoning Administrator. Several of the uses and similar uses listed in Section 5-600 are subject to Section 5-653(A) requirements however only Bed and Breakfast uses may waive the requirement.	Does not support providing standards for Limited Breweries.
10. <u>§5-667(C)(2)</u>	<u>Landscaping/Buffering/Screening.</u> <u>Parking and Storage Areas.</u> Parking and storage areas shall be screened to comply with the requirements of Section 5-653(B).	Landscaping and Screening of the parking area would be subject to Section 5-653(B). Several of the uses and similar uses listed in Section 5-600 are subject to Section 5-653(B) requirements.	Does not support providing standards for Limited Breweries.
11. <u>§5-667(D)(1)</u>	<u>Parking.</u> <u>General.</u> Parking and loading shall be provided as required by Section 5-1102.	Parking and Loading shall be provided as required by Section 5-1102. The uses listed in Section 5-600 and throughout the Zoning Ordinance are subject to Section 5-1102 requirements.	Does not support providing standards for Limited Breweries.
12. <u>§5-667(E)(1)(a)</u>	<u>Roads/Access Standards. General Access Standards.</u> <u>A Limited Brewery shall comply with the road access standards of Section 5-654.</u>	Road Access would be subject to Section 5-654 and no more than two points of access would be allowed. Several of the uses and similar uses listed in Section 5-600 are subject to similar road/access standards.	Does not support providing standards for Limited Breweries.
13. <u>§5-667(E)(1)(b)</u>	<u>Roads/Access Standards. General Access Standards.</u> <u>There shall be no more than two points of access for a Limited Brewery.</u>	Several of the uses and similar uses listed in Section 5-600 are subject to similar road/access standards.	Does not support providing standards for Limited Breweries.
14. <u>§5-667(E)(1)(c)</u>	<u>Roads/Access Standards. General Access Standards.</u> <u>For any Limited Brewery that is located on a lot which does not have frontage on a publicly maintained road, documentation shall be provided to the Zoning Administrator demonstrating that the private access easement servig such lot may be used to provide access to the Limited Brewery</u>	Several of the uses and similar uses listed in Section 5-600 are subject to similar road/access standards.	Does not support providing standards for Limited Breweries.
15. <u>§5-667(E)(2)</u>	<u>Roads/Access Standards.</u> <u>Vehicles/Equipment.</u> Limited Breweries that use heavy equipment shall have direct access to a paved public road.	Heavy Vehicles/Equipment would have to access from a paved public road. Other similar uses listed in Section 5-600 are subject to a similar standards, such as Small Businesses, Commercial Winery, and Agricultural Support Uses.	Does not support providing standards for Limited Breweries.
16. <u>§5-667(F)(1)</u>	<u>Exterior Lighting Standards.</u> <u>Exterior lighting shall comply with the standards of Section 5-652(A)(1)-(3) (Exterior Lighting Standards). In addition to the requirements of Section 5-652, the maximum height of pole mounted exterior lighting, outside of parking areas, shall be 12 feet.</u>	Exterior Lighting would be subject to Section 5-652(A)(1)-(3) and the maximum height of pole mounted exterior lighting, outside of parking areas, shall be 12 feet. The uses listed in Section 5-600 are subject to lighting regulations.	Does not support providing standards for Limited Breweries.
17. <u>§5-667(G)(1)</u>	<u>Noise.</u> <u>The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).</u>	Noise would be subject to Section 5-652(B). The uses listed in Section 5-600 and throughout the Zoning Ordinance are subject to noise regulations.	Does not support providing standards for Limited Breweries.

ZONING ORDINANCE SECTION	ZONING ORDINANCE TEXT PROPOSED	STAFF COMMENTS	ZOAG RECOMMENDATIONS
18.	<u>§5-667(H)(1)</u> Water and Wastewater. <u>A Limited Brewery must provide safe and adequate water and waste water disposal, as approved by the Health Department.</u>	Water and Wastewater must be approved by the Health Department.	Does not support providing standards for Limited Breweries.
Site Plan Review, §6-700			
19.	<u>§6-703(A)</u> Sketch Plan. A Sketch Plan is required as part of a zoning permit application for the following permitted uses: Animal Care Business; Bed and Breakfast Homestay and Bed and Breakfast Inn (with less than 5,000 sq. ft. of disturbance); Child Care Home; Farm Market (but not including the use Farm Market (off-site production), which shall require a site plan); <u>Limited Brewery</u> ; Stable (Private or Neighborhood); and Wayside Stand.	Support the requirement of a Sketch Plan for Limited Breweries. A sketch plan would be required in-lieu-of a site plan to demonstrate that the minimal standards of Section 5-627 and the zoning district (AR-1, AR-2, A-10, and A-3) the Limited Brewery use is located are being met.	Does not support the requirement of a Sketch Plan for Limited Breweries.
ARTICLE 8, Definitions			
20.	Article 8 Definitions Agricultural processingProcessing: The P rocessing, <u>preparation, and manufacturing—operations—for of</u> agricultural products <u>that changes the physical state or form of the</u> product with a minimum of 51% of the processed product being produced on the farm including—meat preparation; feed mills; dairy processing; timber processing; and fruit and vegetable packing, sorting and grading , as an accessory use to an agriculture, horticulture or animal husbandry use.	Supports the revision to the definition of Agricultural Processing to expand the products that may be manufactured or processed on the farm. Supports the requirement that a minimum of 51% of the processed product must be produced on the farm to ensure the processed product on-site. The intent of the 51% agricultural production is to: 1) maintain agricultural production and preserve agricultural land within the County, 2) ensure that Agriculture is the principal use on the farm, and 3) ensure that Agricultural Processing is an accessory use.	Supports the revision to the definition of Agricultural Processing to expand the products that may be manufactured or processed on the farm. Does not support the requirement that a minimum of 51% of the processed product must be produced on the farm. ZOAG recommended definition: Agricultural processingProcessing: The P rocessing, <u>preparation, and manufacturing—operations—for of</u> agricultural products <u>that changes the physical state or form of the product being produced on the farm including meat preparation; feed mills; dairy processing; timber processing; and fruit and vegetable packing, sorting and grading</u> , as an accessory use to an agriculture, horticulture or animal husbandry use.
21.	Article 8 Definitions Brewery, Limited: <u>A brewery licensed as a limited brewery and is located on a farm in the Commonwealth on land zoned agricultural.</u>	Supports definition of Limited Brewery.	Supports definition of Limited Brewery.